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622 is the most honored and respected person, whose decision is equal in power to the judgment of a biy. The father occupies the central position in the family. He is the full and absolute master, while the woman and children are in the position of servants. The conditions of life place the woman considerably higher, however, than she would have to be juridically. In fact she is the main head of the house, since on her shoulders lies the raising of the children, the preparation of food and clothing, going out for the livestock near the village, the making of articles for domestic use, the setting up of the dwelling (yurt) and keeping it in order, etc. In general she takes a large part and even the major part in all the household affairs of the family, and by this very fact she emerges from the unenviable position in which she is placed by law. According to the law, she is the simple property of her husband, and after his death she comes into the possession of the brother or family of her husband (this last, however, has already begun to go out of usage).

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We shall say a few words about the principal rituals of the Kirghiz /Kazak/.

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Among the Kirghiz /Kazak/ marriage can never be considered a sacrament or sacred ritual as it is, for example, among us. Among them it is a civil arrangement. Modern marriages are arranged primarily on the basis of such considerations as becoming allied with a clan that is rich in land, or with a clan that is influential in elections, or, finally, to improve the household by means of the bride-money /kalym/. On these bases the personal participation of the groom and bride becomes superfluous, and an agreement is possible while they, the groom and bride, are still in the cradle. In former times the bride-money was of two types -- the sultan type and the Kirghiz /Kazak/ type.

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The former /217/ consisted of 47 head of various kinds of livestock (camels, horses, cows, and smaller animals), and the latter of 37 head of the same livestock. The entire clan of the bride took part in raising the bride-money, and the entire clan

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of the groom shared in receiving it. Now only the father of the bride takes part in providing the bride-money, for which reason its size has begun to vary greatly. /The author's further remarks

Kazakh men may take more than one wife for many reasons, perhaps to gain the prestige of numerous wives, or because the first wife has not borne a son. A barren or sonless wife may be divorced and sent back to her family. The fortunate woman who has borne a son is endowed with property which is hers to hold in trust for her minor children. Should the mother of a son be widowed, she is a free agent and may remarry or not, as she pleases and whom she pleases. If a widow has no children or has only daughters, she may be forced into leviratic marriage (i.e., marriage with the brother of her deceased husband). If she has only daughters, her family may be broken up at the death of the husband.

It is in the light of these various changes in rights and statuses that the marriage is seen as pointing to the bearing of sons. There is great joy at the birth of a son, for thereby is the continuation of the line assured, and thereby is the marriage fulfilled.

The leviratic marriage is actually a form of social insurance, for thus does the Kazakh society take care of those families without a male head. The position of the conjugal family within the framework of the extended family is shown by this practice. A woman weds not her husband but her husband's family; when she marries her husband, she potentially marries her husband's brother. The marriage arrangements are made between the families, and the partners involved are not consulted. The line of the family flows not only through the husband but through his brother, and through all the close kin in the male line within the family. In medieval times, the son among both Turks and Mongols also married the widows of the deceased father other than his own mother, but this form of marriage is now taboo.

Within the extended family, and among close kinsmen generally, no one has his exact equal in status. The first basis for differentiation is the generation to which one belongs, the second is the order of birth, the third is chronological age. The age criterion is the least reliable and the least used, but it is there. Kazakh brothers and sisters are ranked according to order of birth, and treat one another with authority or with respect accordingly. Cousins are likewise ranked according to the order of birth of their fathers. The second son of the elder brother does not necessarily take precedence over the elder son of the second brother, however; here complicating factors come in, such as the chronological ages of the cousins in question. If there is a wide disparity in age, then the older cousin takes precedence regardless of birth order. A Kazakh treats his older brother as he does his father's younger brother, and his older sisters as he does his father's younger sisters. He calls them by the same terms and acts toward them in a similar fashion.

Authority and respect tend to follow similar lines outside the family, in the village, clan, and khanate. These latter authority relations are modeled on the paternal, in a way similar to the Chinese, the Japanese, the Roman and South Slavic societies. In considering these parallels,

¹Bichurin, 1950, p. 230.

²Grodek, 1889, p. 29.

³Tarasov, 1897, p. 11.

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[Great Horde]

rejoicing and celebration, while if it was a girl, no celebration at all took place.

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601 The wife never ceased to maintain a significant
782 relationship with her father's family, and she was never fully incorporated as a member of her husband's lineage and family. The fire ceremonial may be regarded in the same light as it is elsewhere on the steppe; its function is a propitiation by the wife of the spirits of the husband's line, a part of the shamanist religion, in which her spirits were antipathetic to his. Sociologically as well as religiously, moreover, the wife continued
[482] to retain her ties to her father's line. Thus if the husband killed his wife, he had to pay a fine of a full kun of 200 horses, the amount paid by a convicted murderer
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[762] in restitution to the family of the victim. If the wife committed suicide because of her husband's maltreatment, the husband paid half a kun, or 100 horses, to her family.
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562 The social position of the wife may be further clarified by an examination of the kalym. If this were an
583 economic and legal transaction pure and simple, her position would be clear: she would have to be regarded as a res or chattel, and kalym could then be translated as

136 Radloff, op. cit., I, 475-477.

137 Israstsav, 67.

138 Ibid., 93.

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562 brideprice. But she was in fact not a res, an instru-
 572 mentum, there was no question of the husband's having
 571 dominium over her, the power of the Roman master over
 139 his slave. The marriage arrangements, the exchange
 of gifts, the supplying of the dowry to the wife, the
 payment of the kalyu, may be regarded as stipulations in
 a contract for the services of the wife necessary to keep
 the husband's line alive. The terms of the contract,
 understood in an analogical sense, were fulfilled on the
 birth of a son; hence the rise in status of the woman
 when she had borne a son, rather, her accession to full
 status as a woman.

583 The wife's dowry varied according to the ability of
 584 her father to supply her with one. The rich Kazakh sup-
 plied his daughter with a sumptuous dowry, which the
 family's prestige required to be the equal of the hus-
 band's kalyu. A Kazakh of middle means was capable of
 supplying only a modest dowry, which in general was less
 than the kalyu; the poor Kazakh supplied his daughter
 with no dowry, and received little or no kalyu in exchange. 140

[570] Both kalyu and dowry were part of an intricate exchange
 pattern which accompanied the movement of a woman from
 one community to another; her movement was in conformity
 with the rule of patrilocal residence on marriage.

139 H. Maine, Ancient Law, 90-91.

140 Kravtsov, 82.

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The marriage contract was made between the husband's family and the family of the wife; it is only in this way that we can understand the kalya on the one hand, since it was made over to the wife's family, and the levirate on the other. For the contract was to supply male issue not merely to the husband, but to the husband's line, thus involving the husband's brother and those sons of her husband who were not her own. Sociologically, the husband of the mother was the father of the child, but the wife of the father was not necessarily the mother of the child. Moreover, the sororate, or marriage with the deceased wife's sister, which was required if the latter was not yet betrothed, was part of an undertaking on the part of the bride's family to supply a genetrix to the husband's family, whether it was the woman originally stipulated or a substitute. If a widow broke the contract by seeking to marry outside her late husband's kin group, the second husband of the widow had to pay the kalya to the family of the first husband, or offer a girl in exchange from his own family; the girl's natal family¹⁴¹ enjoyed no role in her remarriage.

587 In full accord with this interpretation, Radlov has observed that the wife belonged not to the husband, but to his family. Now Radlov had conceived that the levirate was an obligatory practice, while Israstsov,

¹⁴¹ Dangelstedt, 155.

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[Little Horde]

513 adornment, but the girl left her natal aul and family, and was lost to them economically, while the young man remained with his family.¹⁹⁷

583 But this explanation¹ is still insufficient, because
 842 it ignores what is expected of the wife: not only her
 581 economic power, but her capacity to produce children, and specifically sons. The transaction involving wealth in exchange for bride is not accounted an equal transaction, because the Kazakh family still placed a higher value on male than female children, as the author who proposed the above explanation himself reports.¹⁹⁸ The levirate, the attitude toward the widow and the children, as well as the simple value placed on a male child, all point to the interpretation of the marriage among the Asiatic steppe pastoralists as a contract for the services of the wife for the production of male issue.

574 If a girl died while still only betrothed, the father of the girl was obliged to find a substitute, a sister or other junior kinswoman, or else return the kalym or that part of it which had already been made over to him. If the affianced boy and his family refused a marriage with a younger sister of the deceased girl, they forfeited the kalym which they had already

¹⁹⁷ Karuts, Unter Kirgisen, 100.

¹⁹⁸ Ibid., 101.

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584 Marriage. Usually, the Kazakhs, especially
the wealthy ones, betrothe their children when
581 still very young, that is, not asking their
consent, and for the most part they have in
view equality of wealth and not equal age. In
585 general, Kazakh marriage has much in common
581 with a civil contract, of course within the
crude concepts of this people; the religious
element here is only very weakly developed.

584 The most important stages of the marriage are
583 the following ones. Whether the children were
betrothed earlier or not, the match-making
begins with gifts from the groom's side to the
bride's father, and the latter on his part is
obliged to reciprocate with gifts to the groom's
kinsmen who have brought the gifts. These gifts
are called 'kiet'. Meanwhile, if there has
been no earlier agreement, the father of the
bride, assembling his kinsmen, decides by
general council the amount to be paid for the
bride, called 'kaly'm', and the terms of its
payment. The kaly'm may be 120, 60 and 40 sheep,
depending on the wealth of the families. In
addition to the kaly'm, however, the groom must
give 'bas' and 'ayak-yakhshi' (a good head
and a good foot). These two gifts, depending
on the amount of property owned, are usually
9 camels for the bas-yakhshi and one camel, a
horse, a cow and a weapon for the ayak-yakhshi.
Earlier the bas-yakhshi consisted of one or
two slaves. If the people are poorer, then the
bas-yakhshi is one or two camels and horses,
and the ayak-yakhshi is a horse, a cow and
khalats. Finally the usual bas-yakhshi is a
horse and khalats, and the usual ayak-yakhshi
is cows, sheep and goats. After this the father
sends to the groom's aul for the kaly'm and
receives it according to the following reckoning:
for 120 sheep he gets 80, for 60 he gets 40,
for 40 he gets 27, because a part is counted
as future offspring. The groom first pays the